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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

MARK LESLIE, et al.,

Defendants.

Civil Action No. C 07-3444 JF

**PLAINTIFF SECURITIES AND  
EXCHANGE COMMISSION'S  
UNOPPOSED REQUEST FOR LEAVE  
TO FILE AN OVER-SIZED OMNIBUS  
MEMORANDUM IN OPPOSITION TO  
DEFENDANTS' MOTIONS TO DISMISS**

Plaintiff Securities and Exchange Commission (the "SEC" or "Commission") respectfully submits this unopposed request for leave to file an over-sized omnibus memorandum in opposition to defendants' motions to dismiss the SEC's complaint. In support of this unopposed motion, the Commission states as follows:

1. On October 5, 2007, defendants Mark Leslie, Kenneth Lonchar, and Paul A. Sallaberry filed their respective motions to dismiss the SEC's complaint in this civil securities fraud enforcement action. The length of each of the three opening memoranda varied from 17 to 25 pages (Leslie – 25 pages; Lonchar – 25 pages; and Sallaberry – 17 pages). Each defendant raised multiple issues for the Commission to address in its oppositions.

PLAINTIFF SEC'S UNOPPOSED REQUEST FOR  
LEAVE TO FILE AN OVER-SIZED OMNIBUS  
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SEC v. MARK LESLIE, et al., Civil Action No. C  
07-3444 -JF

2. Under this Court's Local Rule 7-3, the Commission is allowed to file three separate opposition memoranda for the three motions to dismiss. Each opposition may not exceed 25 pages in text.

3. Instead of filing three separate opposition memoranda, the Commission wishes to file a single, omnibus memorandum in opposition to address all three of the defendants' motions and memoranda. Based upon its review of the defendants' motions to dismiss, however, the Commission will need substantially more than 25 pages to address adequately all three of the defendants' various arguments set forth in their motions to dismiss.

4. Accordingly, the Commission respectfully requests leave to file an over-sized omnibus memorandum in opposition, not to exceed 75 pages of text (which would have been the total number of pages allowed if the Commission were to file three separate oppositions), to address the defendants' three motions to dismiss the SEC's complaint.

5. Defendants Leslie, Lonchar and Sallaberry do not oppose this request for leave.

**WHEREFORE**, the Commission respectfully requests that this Court enter an order granting the Commission leave to file an over-sized omnibus memorandum to opposition, not to exceed 75 pages of text, to address the defendants' three motions to dismiss the SEC's complaint. A proposed Order is attached.

Dated: October 23, 2007

Respectfully submitted,

/s/ Richard Hong

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CERTIFICATE OF SERVICE

Pursuant to 28 U.S.C. § 1746, I hereby certify that on this day, October 23, 2007, I electronically filed the foregoing unopposed motion and the attached proposed with the Clerk of the Court by using the ECF system and relied upon that system's automatic service of the foregoing document and the attached proposed Order upon counsel, which will send notification of such filing to the ECF participants.

In addition, on this day, October 23, 2007, the undersigned caused a copy of the foregoing documents to be served by regular first class mail to the following:

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